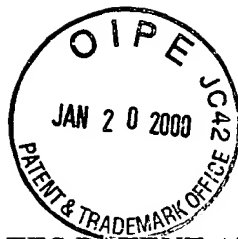


MNFRAME.005A1



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Johnson, et al.

) Group Art Unit 2785

Appl. No. : 08/942,402

Filed : October 1, 1997

For : DIAGNOSTIC AND MANAGING
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January 17, 2000

Examiner : Norman Wright

) 
) Eric Nelson, Reg. No. 43,829

RESPONSE TO OFFICE ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated September 15, 1999, (Paper No. 14) in the above referenced patent application, Applicant has the following remarks.

Discussion of the Use of Trademarks

In the Office Action, the Examiner noted the use of trademarks in the application and remarked that trademarked terms should be capitalized wherever they appear. Applicant respectfully submits that under M.P.E.P. § 608.01(v), each letter of a trademark *should* be capitalized. However, it is not mandatory to do so. Applicant respects the proprietary nature of the marks, and every effort will be made to prevent their use in any manner which might adversely affect their validity as trademarks. Clearly, the use of a trademark in a patent application is not a commercial use.

Discussion of the Claim Rejections under 35 U.S.C. §§ 102(b) and 103(a) over Barrett

Claims 1-6, 9-17, and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,311,451 to Barrett. Claims 7, 8, and 18 were rejected under 35 U.S.C. § 103(a) as also being unpatentable over Barrett. However, Applicant respectfully disagrees with these

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